

## **REMARKS/ARGUMENTS**

In response to the Examiner's final Office Action of November 12, 2009 with respect to the present RCE application, the Applicant respectfully submits the following Remarks.

### ***Regarding 35 USC 102(e) and 103(a) Rejections and Response to Arguments***

It is respectfully submitted that the subject matter of pending claim 1, and claims 3-10, is not disclosed or suggested by Hameau either taken alone or in view of Pires because, for at least the following reasons.

The Examiner asserts that the "master key km" disclosed at paragraphs 36 and 37 of Hameau "is not the same as the secret master key km that is referred to in the office action" being the "secret master key km" disclosed at paragraph 58 of Hameau. The Applicant respectfully disagrees for the following reasons.

At paragraph 58, Hameau uses the term "the secret master key K<sub>M</sub>" (emphasis added). The use of the definite article "the" and the lack of any further description of "the secret master key K<sub>M</sub>" at paragraph 58 is clearly understood by one of ordinary skill in the art to mean that "the secret master key K<sub>M</sub>" being referred to by Hameau in paragraph 58 is a "secret master key K<sub>M</sub>" which has been discussed by Hameau earlier in the disclosure.

The only earlier disclosure of a "secret master key K<sub>M</sub>" in Hameau occurs at paragraphs 36-38. In particular, Hameau discloses at paragraph 36 "a secret symmetric key that will hereinafter be called the master key K<sub>M</sub>". From this specific disclosure, one of ordinary skill in the art understands that the "master key K<sub>M</sub>" is a "secret symmetric key" and that any mention of this secret, master key "K<sub>M</sub>" in Hameau after paragraph 36, including paragraph 58, refers to the "master key K<sub>M</sub>" first disclosed at paragraph 36.

Accordingly, since Hameau specifically discloses at paragraph 37 that "the storage of this key K<sub>M</sub> takes place in a non-volatile part of the memory", one of ordinary skill in the art further understands that the "secret master key K<sub>M</sub>" disclosed at paragraph 58 is stored in "a non-volatile part of the memory".

Thus, it follows that “secret master key  $K_M$ ” disclosed at paragraph 58 of Hameau cannot be considered as the “secret information” of pending independent claim 1, contrary to the Examiner’s assertions, because pending independent claim 1 explicitly recites that “the secret information not being stored by the non-volatile memory”.

Further, Pires provides no disclosure which makes up for this difference between Hameau and the claimed invention.

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,



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